

Serial No. 56321

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAY 16 1991

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAY 16 1991

The applicant Calton M. and Carole E. Lewis

P. O. Box 501 of Elko
Street and No. or P.O. Box No. City or Town

Nevada 89801 hereby make S application for permission to change the
State and Zip Code No.

Point of Diversion for a portion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Proof No. 00689
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is Ten Mile Creek
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.84 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Irrigation
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Irrigation
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T33N, R55E, MDB&M.
Describe as being within a 40-acre subdivision of public survey and by course and
at a point from which the NW corner of said Section 35 bears N 19° 55' 33" W,
distance to a section corner. If on unsurveyed land, it should be stated.
2090.17 feet.

6. The existing permitted point of diversion is located within SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, T33N, R55E,
If point of diversion is not changed, do not answer.
MDB&M., as Decreed.

7. Proposed place of use Unchanged
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Portions of NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35; Portions of SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T33N, R55E, MDB&M., being Lots 14, 15 & 16, Block J of the Western Hills Subdivision. (48.64 acres Harvest and 19.94 acres Diversified, Total 68.58 acres).
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from Unchanged to _____ of each year.
Month and Day Month and Day

10. Use was permitted from Harvest - April 15 to August 15 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Pump, Pipelines and Existing Ditches
State manner in which water is to be diverted, i.e. diversion structure,

ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$2000

13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use..... 5 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

See attached sheet showing the distribution of the water rights of

Ten Mile Creek compiled by the Elko office of the Division of Water

Resources.

By HIGH DESERT Engineering, Agent
s/Duane V. Merrill
Duane V. Merrill
515 South Fifth Street
Elko, NV 89801

Compared..... bc/bc ap/se

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of Tenmile Creek as heretofore appropriated under Proof 00689 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.84cubic feet per second , and shall not exceed the
duty as specified in the Humboldt River Decree.

Work must be prosecuted with reasonable diligence and be completed on or before..... May 23, 1994

Proof of completion of work shall be filed before..... June 23, 1994

Application of water to beneficial use shall be made on or before..... May 23, 1995

Proof of the application of water to beneficial use shall be filed on or before..... June 23, 1995

Map in support of proof of beneficial use shall be filed on or before..... June 23, 1995

Completion of work filed..... JUL 07 1994

Proof of beneficial use filed..... APR 12 1996

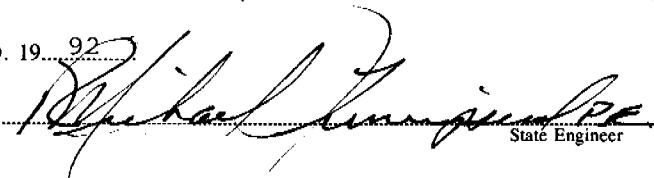
Cultural map filed..... APR 12 1996

Certificate No. 14313 Issued MAY 01 1996

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 22nd day of December

A.D. 19 92


State Engineer

April 3, 1975

00689

Proof 00689

DISTRIBUTION OF WATER RIGHTS TO WESTERN HILLS

George Clayton

Ten Mile Creek

Sections 34 and 35, T 33 N, R 55 E XDM

3 AC FT

HARVEST

APRIL 15 TO AUG 15

.75 AC FT

DIVERSIFIED

APRIL 15 TO MAY 15

Lot No.	1388	1889	1892	1897	1905	1892	1897	1898	TOTAL
G-9 <i>Culshaw</i>	1.58					8.01			9.59
G-13 <i>Perry</i>	1.57	10.00	4.86			1.13	1.46		19.02
G-14 <i>Burkowitz</i>	10.76					0.82	1.38		12.96
J-10 <i>Horsely</i>				16.87				0.56	17.43
J-11 <i>Brown</i>			18.52	1.20				7.69	27.41
J-12 <i>Horsely</i>			17.08					11.30	28.38
J-14 <i>Alameda</i>			2.72	10.43					13.15
J-15 <i>Lewis</i>			4.19	24.05	7.25		1.31	4.84	41.64
J-16 <i>Lewis</i>								13.79	13.79
	13.91	10.00	47.37	52.55	7.25	9.96	4.15	38.18	183.37

.0123 CFS/AC

THIS DISTRIBUTION COMPILED BY THE ELKO OFFICE OF THE DIVISION OF WATER RESOURCES.

CALTON M. LEWIS NOW OWNS LOTS J-14, J-15 AND J-16.